

which is required in the preceding part of the section, but I would think that that might be a matter for the Style Committee. If they want to make it clearer, I would have no objection.

I certainly intended by striking out what I put here "upon a concurrence of five" to strike that out and indicate that unanimity would be required.

THE CHAIRMAN: Delegate Rybczynski, do you have a question?

DELEGATE RYBCZYNSKI: Yes, sir.

Judge Henderson, I take it from this amendment that you as a Committee on the Judiciary contemplated the use of juries in the district court. Is that correct?

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: Yes, I think it is fair to say that we did. We did not make it mandatory, of course, but there is nothing to prevent it and personally I think it would be a very good idea to have juries at that level.

We had testimony on that point from the judges sitting there. The Judges from Montgomery County were very much in favor of having juries. One or two others expressed a favorable view of that.

THE CHAIRMAN: Delegate Rybczynski, do you have a question?

DELEGATE RYBCZYNSKI: In view of the fact that the docket in the city of Baltimore, for instance, and in the People's Court now calls for 100 or more cases a day with three judges sitting, can you tell us how a jury could possibly take part in these proceedings in that court?

THE CHAIRMAN: Judge Henderson.

DELEGATE HENDERSON: I think even if you had to get additional judges to do it, I think it would be a great convenience to the parties to be able to try the case right there rather than to prepare for trial and have all your witnesses present and then by the election of the jury trial, find that the whole thing had to be removed to a higher court to try it again.

I want to leave this open so that the legislature in its wisdom can decide what is the best way to set up these district courts. These are new courts. This problem is not peculiar to Baltimore City, and I submit that it would not be any very great problem to have the judges available at that level.

THE CHAIRMAN: Delegate Rybczynski, do you have a further question?

DELEGATE RYBCZYNSKI: Yes, sir, I want to apologize to you and to the delegates; I will tie it in. In effect, if we decide that there should be juries in the lowest level of the court, and we find that the dockets are so over-crowded that nothing can be accomplished after all, does this not open the door for a fifth tier?

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: I do not think so at all. We give to the legislature under the judicial branch article the authority to fix the jurisdiction of these various courts and we are setting up a full system, a full-time, full-paid system, at the lowest level, the magistrate court level, and I do not see any objection to giving them the right to try the jury cases right there.

THE CHAIRMAN: Delegate Borom.

DELEGATE BOROM: Delegate Henderson, my question is, whether you have given thought to the selection method for juries at the district level, and if you have, what would be your criterion for the selection of these juries?

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: It would be left to the legislature as it is under the present law.

THE CHAIRMAN: Delegate Borom.

DELEGATE BOROM: You think the present General Assembly might follow the present jury system in its selection?

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: I cannot predict what the legislature would or would not do. There are certain cases pending, attacking the selection of juries in the upper court. Whatever the law is there would apply in the lower courts too.

It is going to be made part of the entire judicial system. There is a requirement that the indigent people have counsel even at the magistrate's level. These are full courts of equal standing with the other courts.

THE CHAIRMAN: Delegate Johnson, do you have a question?

DELEGATE JOHNSON: Yes, perhaps either of you, or of Delegate Henderson.